

## **July 2010 Report of Division of Adult Institution's Leone Report Review Team**

### **I. Introduction**

In April of 2010, the California Department of Corrections and Rehabilitation (CDCR) received a report authored by Peter Leone, Ph. D., dated February 15, 2010. This report provided Dr. Leone's assessment on the status of inmates with Development Disabilities (DD) in the CDCR. After visiting seven institutions and conducting interviews with approximately 150 Clark members, Dr. Leone noted a number of general concerns with CDCR's implementation of its Developmental Disabilities Program (DDP), as well as several specific concerns with a number of inmates who are designated as members of the "Clark Remedial Program", also referred to as "DD" inmates.

Leaders of CDCR's Division of Adult Institutions (DAI) responded to Dr. Leone's reported findings by forming a review team consisting of five staff including the Deputy Director of the DAI. Deputy Director Richard Subia and at least 3 team members visited each institution. This team was charged with responsibility to look into the specific allegations contained within Dr. Leone's report and to conduct general site reviews of CDCR's implementation of the DDP at the institutions Dr. Leone visited and reported about: California Medical Facility (CMF), Deuel Vocational Institution (DVI), California Rehabilitation Center (CRC), Richard J. Donovan Correctional Facility (RJD), Wasco State Prison (WSP), Substance Abuse Treatment Facility (SATF) and California State Prison, Lancaster (LAC). This report describes the makeup of the review team, its methodology, its findings, and the status of follow up efforts.

### **II. Qualifications of the Team Members**

The team was comprised of Richard J. Subia, DAI Deputy Director, Elizabeth Allen, Correctional Administrator, Ray Harrington, Facility Captain, Albert Chamberlin, Correctional Captain, and Sheryl Sanders Correctional Counselor II.

Mr. Subia began his Correctional career in 1986 with the California Department of Corrections as a Correctional Officer at Folsom State Prison. He has promoted through the ranks, working as a Correctional Sergeant at California State Prison, Solano; serving as a Lieutenant and Captain at Mule Creek State Prison, and as a Correctional Administrator in Sacramento. From 2006-2007, Mr. Subia served as the Special Assistant to the Secretary of CDCR and later went on to become the Warden at Mule Creek State Prison. In 2007, he was appointed by Governor Schwarzenegger to the position of Associate Director of the General Population II/III Mission where he had the overall responsibility of General Population Level II/III prisons, statewide fire camps, and statewide community correctional facilities. In December of 2009, Mr. Subia was again appointed by the Governor to the position of Deputy Director of the Division of

Adult Institutions. In his current assignment, Mr. Subia is responsible for the overall operation of all adult facilities in California as well as over 8,000 California inmates housed in out of state facilities.

The additional team members each have at least 15 years of correctional experience and expertise; combined, they have a total of 81 years of service to the CDCR in a number of capacities. Each of these employees has had Clark Remedial Plan training and has at one point in their career maintained custody of Clark members at the capacity of Correctional Officer, Correctional Sergeant, Correctional Lieutenant, Correctional Counselor, or Parole Agent. Most recently in their current classification they assist with oversight of the program. Ms. Allen is responsible for the supervision of both Mr. Chamberlin and Ms. Sanders. Mr. Chamberlin and Ms. Sanders are designated as the DAI liaisons to the institutions and the Office of Court Compliance for the Clark and Armstrong cases. Mr. Harrington is assigned as the Special Assistant to the Deputy Director.

### **III. Methodology**

The goal of the DAI's management team was to visit the same institutions Dr. Leone visited, to review and follow up on the specific concerns noted by Dr. Leone, and to conduct an overall observation of the facilities that house the DD inmates. Additionally, it was the Deputy Director's intent to meet with the management team at each institution to emphasize the importance of ensuring all staff is up to date on the Clark Remedial Plan (CRP) training and that it is put into practice each and every day. The management meetings at each institution and the meetings with the unit staff were formal; however, the on-site reviews and conversations with inmates were purposely informal. It was the team's intent to ensure the inmate Clark members did not feel they were being retaliated against. The team also reviewed the inmates' Central Files, when available, and In-Service Training records of staff. Because of privacy laws, the team could not review Unit Health Records of the inmates.

Mr. Subia and most members of his team visited all seven institutions noted in Dr. Leone's report. In addition, the team visited two institutions that were not mentioned in the Leone report: Valley State Prison for Women (VSPW) and the Central California Women's Facility (CCWF). This was based in part on the fact Dr. Leone neglected to report on any institutions housing female members of the Clark program, and the team wanted to obtain as full an assessment of the DDP as possible.

The review team met with staff and approximately half of the inmates specifically mentioned in Dr. Leone's report. The team was unable to meet with all of the inmates because many of them had transferred from the noted institution or

paroled. The review team spent about a day at each institution conducting informal but detailed reviews. Staff reviewed the concerns addressed in Dr. Leone's report prior to meeting with the inmates and staff at each institution. The team members went to the inmates' housing units and in a private but informal setting had open conversations with them regarding their individual issues specifically related to the report and any additional issues or concerns. The interactions with the inmates varied from 15 to 30 minutes depending on the inmate's concerns and needs. The team also spoke to the available staff and specific staff mentioned in Dr. Leone's report within the housing units. The Deputy Director and members of the institution's management team also went to the housing units during the follow up reviews; Mr. Subia spoke to a number of staff and inmates at each institution. At the conclusion of each visit, the team again met with the management teams and discussed their findings and concerns as well provided recommendations where needed.

#### **IV. Findings**

The following are the results of the team's review. The headings in bold track those of Dr. Leone's report and they relate to the specific findings regarding Clark members' property, daily living activities, safety concerns, Administrative Segregation and Reception Center housing, issues related to the Department's Rule Violations Reports (CDCR 115), Request for Assistance, and problems with specific staff, as well as a number of other topics:

##### **Property:**

The Leone report noted that many DDP inmates stated they had been pressured to give up property and/ or canteen items to other inmates. Some inmates reported having lost property while being transferred from one unit to another or from one institution to another. The review team spoke to inmates about these concerns and discovered the following:

The review team met with inmates 21, 42, 73, 76, 104, 109, 111, 121, 134, and 151 who reported property concerns to Dr. Leone. Initially, a few of these inmates confirmed that they were sometimes pressured to surrender canteen items or portions of packages that were sent to them from family members. After further conversation with most of the inmates they indicated that they were not being pressured to surrender canteen. Rather, they stated things like "we share it with other inmates because we want to" or "we pay back what we borrowed." While at SATF the review team spoke to inmate 121 regarding his loss of canteen. Inmate 121 was very clear that his canteen does not get taken away from him nor is he ever pressured to give up his canteen. He told the staff that when he "runs out of his own canteen he borrows from other inmates and pays them back as soon as he is able to draw his canteen." He stated that at times he owes a lot of his canteen based on what he has borrowed. The team also met with Officer Costello and asked about the statements he made to Dr. Leone regarding inmate 121's canteen. Officer Costello indicated the inmate receives

the maximum draw every time he goes to canteen and he assumed that the inmate's canteen was being taken away. He said he had never asked the inmate if he was pressured to give up his canteen and that it was possible that the inmate was simply paying back what he owed.

Some of the inmates housed in the ASU reported having their property lost or taken when they were placed in the ASU or when they were transferred from one institution to another. However, after more detailed conversation it appeared most of the issues were a point and time and not ongoing; that is, most of these issues were as a result of a specific move. Furthermore, when the review team specifically asked the inmates if they had any current issues with their property, the general response was "no." When asked if it was a one time thing they responded "yes." Team members also met with Inmate 104, (RJD), regarding his concerns with his clothing. Inmate 104 stated he washed his clothes in his cell because it was easier for him to wash his clothes himself and there was no risk of losing them. Team members ensured that inmate 104 was aware of the laundry exchange process; nevertheless, inmate 104 insisted that it was his choice to wash his own clothes. He assured the team that if he chose not to launder his clothes himself he understood how to utilize the institutions' laundry exchange. The team discussed the inmate appeals process with each inmate, making sure they completely understood they have the right to file an appeal when these types of situations occur. The team emphasized to the inmates and to staff members that the inmates could ask staff to provide assistance. In fact, some of the inmates confirmed that staff had provided them assistance in completing appeals and with other issues.

#### **Activities of Daily Living:**

Dr. Leone noted in his report that several DD inmates arrived to his interview appearing unkempt and unclean. Based on this, Dr. Leone suggested that staff members might not be appropriately prompting the inmates to perform basic hygiene activities. The review team looked into these matters and discovered the following:

The review team met with inmate 86 regarding the concerns with hygiene and whether or not staff was providing the adequate prompts; however, this issue was also addressed with all the inmates that were interviewed. The overall hygiene of the inmate did not appear to be problematic. During the interviews, the inmates confirmed that staff members do, in fact, prompt them to take showers, change their clothes, and prompt them for yard and meals. Inmate 86 specifically said staff provide him assistance with letters or assisting him with the CDCR-602. However, he prefers to ask other inmates to help him write letters and appeals because he does not want staff to know his business. The inmate indicated he did not have any issues with being allowed to shower.

**Safety:**

The Leone report noted several inmates who avoided taking showers allegedly due to fears of being assaulted by other inmates while in the shower. Dr. Leone also noted a particular inmate, number 108 (RJD), who had been raped in 2006 and 2008 while housed at LAC. The review team took these allegations very seriously and looked into them discreetly, but in depth. The team discovered the following:

The review team met with inmates 104 and 109 regarding the noted concerns as it pertained to their fears of taking showers. Inmates 104 and 109 indicated they were not afraid of being assaulted by other inmates while taking showers, nor did they voice any other safety concerns. Inmate 104 specifically indicated he preferred to clean up in his cell but this practice was not based on being afraid, it was by choice. The review team advised all the inmates they met with to inform staff if they were afraid of taking showers and/or of participating in any other activities. The team also met with inmate 108 and spoke with him in-depth. This inmate raised some concerns with not being able to see the psychiatric staff enough and his mental state of mind. Inmate 108 indicated he did not have any safety concerns and that staff was helpful. His concern was not being able to see the psychiatric staff more. He also indicated he was depressed and felt staff treated him different because of his medical condition. He was not able to share any specifics of how he was treated different. Also, Dr. Leone's report indicated the inmate had been raped while housed at LAC. The inmate reported he was never housed at LAC. He also indicated he had an incident while housed at another prison but did not elaborate on the incident. A review of his central file confirmed he had never been housed at LAC and that he in fact had an incident at another institution. The documentation in the central file indicated inmate 108 sexually battered another inmate while housed at the CMF. There was additional documentation in the central file that indicated inmate 108 displayed sexual predatory behavior and it was noted that inmate 108's behavior was a safety concern for other inmates.

**Administrative Segregation:**

The Leone report indicated that placement in Ad Seg seemed to have a deleterious effect on DD inmates. Several inmates reported that they rarely received support services from officers while housed in Ad Seg. They claimed that they were locked down most of the time and not provided yard access. The review team visited several Ad Seg units; interviewed inmates housed there, and reviewed files of those inmates. The team discovered the following:

The review team met with a number of inmates housed in the ASU including inmates 62 and 67 regarding their placement in the ASU and whether or not they were receiving the services he was entitled while housed in the ASU. A review of the central files indicated some inmates were placed in ASU for rules violations, while others were placed there for their own protection and still others were there

temporarily during transfer processes. Overall, administrative segregation is a more restrictive environment due to legitimate safety and security needs and complaints about yard access and being locked down are common among all Ad Seg inmates. The DD inmates that were interviewed did not physically or mentally appear to be decompensating as a result of being housed in the ASU. This assessment was based on their overall appearance, their interaction with the team members, and staff's observations. A few of the inmates stated they did not know why they were being housed in the ASU. When this issue was brought to the team's attention, the team informed the inmates as to why they were housed in the ASU at the time of the interview if they had the information. If not, they requested institutional staff inform them. Out of all the inmates that were spoken to regarding this issue, only inmate 62 said he should not be housed in the ASU. However, he also felt he could not program in DVI's mainline. Inmate 62 indicated he wanted to transfer to another institution. The review team shared the inmates' concerns with the management team and will be conducting a follow up review. The review team spoke to staff in the ASU and reminded them of their responsibilities with logging the services they provide the DD inmates and to ensure they provided them with their specific needs as noted in the CRP. The institution's management team was apprised of the conversations.

**Rules Violations Reports (115's):**

Dr. Leone's report indicated some of the inmates had received Rule Violation Reports (RVR's or 115s) for behavior such as being out of bounds, failure to obey a direct order, forgetting stuff, fighting or not locking up. Based on this, Dr. Leone suggested that staff members who issued the RVRs were unfamiliar with the needs of the DD population. The team reviewed these allegations and discovered the following:

The review team looked at the files of 21, 28, and 87 to determine whether their RVR's had been issued or processed appropriately. The team did not find any reports that were issued or processed inappropriately. Most of the RVR's noted as being issued to the DD inmates in the Leone report were dismissed or reduced during the hearing based on the inmates' behavior and their DD level. This is a good example of the multi-layered DD disciplinary process functioning as it was designed. The team interviewed many Correctional Officers and confirmed that they generally understand the behavior and needs of the DD inmates in their housing units. The team reviewed the specific situations around the RVRs noted in Dr. Leone's report and felt that most were appropriate and necessary to maintain order and ensure the safety and security of the institution. The team did encounter a few officers who wrote RVRs described in Dr. Leone's report who were not as familiar with the specific needs of some of the DD inmates. These were typically relief officers who were less experienced with working with DD inmates. The management at the institution was informed of this issue and advised to ensure it is shared with staff during the appropriate training. The team also confirmed that in almost all instances the DD inmates

were provided a staff assistant and that the RVRs had a clinician review. The institution's management team was advised that staff assistance and clinician reviews are required in all instances.

**Request for Assistance:**

Dr. Leone's report indicated staff was less than helpful to the DD inmates when asked. The team followed up on these allegations and discovered the following:

The team asked DD inmates if they ever requested assistance from staff with writing, reading, completing health call slips and appeals. Some claimed they have received assistance from staff; however, most of the inmates indicated they preferred not to ask staff, therefore, asked other inmates. They indicated they preferred to ask other inmates because they did not like staff knowing their personal business. The team also found that these inmates generally understood the 602 inmate grievance process, including how they can get a CDC-602 form, but sometimes received assistance from staff to complete the form. The inmates were once again advised that any time they did not understand the various departmental processes including documents, instructions or services, they could request assistance from staff. Additionally, the team reiterated to staff the importance of providing assistance to DD inmates or any inmate that requires assistance. Staff acknowledged this obligation.

**Conditions in Reception Centers:**

Dr. Leone's report addressed the amount of time DD inmates were locked down while housed in the Reception Center. The team looked into this situation and discovered the following:

DD inmates in Deuel Vocational Institution (DVI) Reception Center (RC) did in fact appear to spend a great deal of time in their cells; however, this concern was not specific to DD inmates as it is the standard process in all RCs. The team discussed with management their concerns with DD inmate's needs and the possibility of allowing them a little more yard time. DVI's management was receptive and indicated they would review and modify the RC processes, if feasible, to allow the DD inmates more yard time. The review team will be conducting a follow up regarding this issue.

**Paying For Haircuts:**

Dr. Leone noted that a number of inmates indicated that they had to pay for haircuts. The team found at most of the institutions visited, there were a number of inmates that paid for their haircuts. This practice is a violation of departmental rules but appears to be a common practice with the general population. Some of the inmates indicated they preferred to have their haircut by a specific inmate, some indicated they had to pay but did not mind, and some indicated they cut their own hair. The review team shared these results with the institutions management team and reiterated the fact that inmate barbers should not charge

any inmate for a haircut. The review team also advised the Clark member inmates that they should not pay for their haircuts and confirmed they knew that there were paid inmate barbers available to cut their hair. The management team at LAC met with all the inmate barbers as a result of this review and informed them that if they charged for haircuts they would receive an RVR and lose their assignment.

**Problems with Specific Correctional Officers:**

Dr. Leone's report spoke about a number of officers' actions both at CMF and CRC. Specifically, the report indicated that an officer Jones at CRC conducted himself in an unprofessional manner, used profanity, shouted at the inmates and called them names. The review team followed up on these issues and discovered the following:

The Clark member inmates at CRC were questioned regarding Dr. Leone's concerns with Correctional Officer Jones' possible misconduct. The inmates interviewed regarding this issue indicated that Officer Jones would yell at them and that they felt threatened by him. They also indicated they kept their distance from this officer and were happy to see him moved. The review team found that Officer Jones was a relief officer and had not worked with this population of inmates. The unit officers and counselor that the review team met with indicated they spoke to the officer and to the supervising staff regarding the specific needs of the inmates and the overall procedures within the housing unit to avoid any further issues based on the inmates' complaints. The issue resolved itself because Officer Jones was only there as vacation relief. However, the review team spoke to the management team at the institution and advised them of the importance of ensuring the right staff is assigned to the DD housing units to the degree possible.

The review team did not find any documentation related to staff complaints or any specific inmate appeals that addressed misconduct as it pertained to this officer. The management at CRC had also followed up on this issue prior to the review team's arrival based on a review of Dr. Leone's report and preliminary information provided to them by Dr. Leone. The CRCs management did not find any violations of policy and indicated that the inmates they interviewed felt that Officer Jones was more strict and harsh with them than the regular staff, specifically Officer Gonzalez. They also confirmed that they had not received any appeals or staff complaints filed on the officer. As a result, the managerial staff ensured DDP on-the-job training was provided to all staff assigned to work with the DDP inmates and toured the specified areas. Correctional Officer Jones was not available at the time of the review; however, the management team was once again made aware of the concerns and assured the review team that they had already met with Officer Jones and addressed the issues. The management at CRC ensured the team Officer Jones would be provided additional training.



The review team advised the inmates they spoke with to communicate any issues they have with any staff to the regular unit staff, the Sergeant, and/or their counselor. The team also ensured the inmates were aware of their right to file a CDCR-602, a CDCR-1824, and/or citizens complaint, in the event they believe a specific staff member is treating them unfairly. The review team showed the inmates where they could obtain a CDCR-602 and a CDCR-1824 within their housing unit. Overall, with respect to this particular situation, the team concludes that this officer was not familiar with the day to day operation of a designated "DD" housing unit, and that the inmates' interpreted Officer Jones' approach as threatening. The review team requested CRCs management team and housing unit staff conduct on the job training to Officer Jones. The review team will follow up with CRC management to ensure Officer Jones received additional training.

Dr. Leone's report addressed concerns with the behavior of Officers Salazar, Conchas, Garcia, and Ricardo. The review team spoke to approximately 10 inmates living in housing Unit 1 and 2 regarding staff interactions, their adjustment to the DD program, and whether or not they were receiving the services they were required to receive. Overall, the inmates stated most staff are helpful but sometimes third watch staff do not help them. Inmate 9 said at times he felt that staff made fun of him but that it was not all the time and not all staff. He was advised to speak to the Sergeant when this happened or to share it with his counselor or other staff so that it could be addressed. He was not able to provide the team with specific names. Inmate 8 alleged he was not being provided assistance when writing letters. After further discussion, it was apparent the inmate had been provided assistance with writing letters and that he was not sure who had been helping him as he thought it was a member of the Prison Law Office when in fact it was the institution's librarian. The inmate expressed concern that he had not received assistance in a while. The team addressed this issue with the inmate's counselor and the management team at the institution. The review team spoke to the officers in the unit at the time of their review. Officer Salazar was on duty, therefore the team spoke to her regarding the treatment of DD inmates, ensuring she understood her responsibilities, their needs, and that she had received training on the CRP. The team spoke to other staff working in the unit and re-emphasized their responsibilities. The counselor for the unit was also interviewed and was informed of the inmates' concerns and asked to address the issues with inmates needing assistance in writing letters and wanting to see their counselor. The team spoke to the Warden and requested staff observe the units during third watch, and that she review the specific concerns addressed in the report and that staff be retrained if necessary. The specific issues addressed by the inmates, such as needing assistance writing letters or not being able to see their counselors, were shared with the Warden. The team did not find any issues with the documentation in the central files and/or the RVRs that were reviewed including inmate 21 whose noted concerns by Dr. Leone included falsification of the RVR. The team will be conducting a follow up review during the third watch at CMF.

**Renal Diet:**

Dr. Leone's report mentioned that inmates 44 and 48 claimed they had been served veal meatballs, every meal, for an excessive period of time. The report also noted that several inmates' pictures were posted in the dining hall. The team looked into these claims and discovered the following:

The review team interviewed inmates 44 and 48. The team learned inmate 48 filed a CDCR-1824, pertaining to his renal diet. The team discussed this issue with the management team at CRC and found that the inmate filed an appeal based on not receiving a nutritional diet, requesting fruit and desert, and for being harassed. The inmate referenced receiving "meatballs" for every meal but did not actually appeal that issue. The appeal is currently being processed at the Director's Level of Review. The management team researched the inmates' claim that he was receiving the "veal meatballs" for every meal. They did find that the dinner meal was served every meal for approximately two weeks. The management at CRC initiated a review regarding this practice. Staff found that the problem arose as a result of having an unbalanced inventory of frozen renal diet meals and that at the time of their review the problem had been corrected. The management team also confirmed that, if an inmate objects to the renal diet meal that is offered, the inmate has the option to go to the dining hall and receive the daily meal offered to all inmates. In fact, the CRC staff implemented two procedures as a result of this issue. The first procedure instructs the inmate who objects to the renal diet meal that is offered to go to the medical department and sign a document indicating their refusal to accept that meal. The team was advised that no inmate had been adversely affected. The culinary staff implemented a system that assures a variety of meals are issued to the medical department and the medical staff were advised to inform the culinary staff of any overages.

**Death of a Family Member:**

Dr. Leone indicated that an inmate identified as number 111 did not hear about his sister's death until two weeks after she was buried. Dr. Leone's report also noted the inmate's wife called the prison to let him know but no one passed the message on to him. The inmate told the review team that his counselor took the call from his wife but failed to provide the information to him in a timely manner. However, the inmate spoke well of his counselor and claimed he understood that the counselor simply forgot to deliver the message but has since apologized. The inmate indicated he understood that this type of oversight can happen when a person is busy and that his counselor made an unintentional mistake by not delivering the information. The review team spoke to the counselor's supervisor regarding the importance of relaying this information to the inmate population. The inmate's counselor was not available; therefore, the review team requested that the supervisor share the information with all counseling staff to include the inmate's counselor. The inmate was also advised of his right to file an inmate

appeal or a citizen's complaint if he feels he is being adversely affected by this or any future incident.

**Seriously Disturbed Inmate in Disciplinary Segregation:**

Dr. Leone's report noted concerns regarding inmate 154, who was housed at WSP at the time of the review, but transferred in February of 2010 to California State Prison, Sacramento (CSP-SAC). It should be noted that the concerns highlighted in Dr. Leone's report related to the inmate's mental health condition; there were no concerns directly related to his DD status. Appropriately for his mental health status, the inmate was approved for intermediate care facility placement; however, at the time he met with Dr. Leone, the inmate had not yet been accepted by the Department of Mental Health. The inmate was also endorsed to CSP-SAC based on his SHU Term. Despite the fact that these were primarily mental health concerns rather than DDP issues, the review team addressed these concerns with the staff at WSP as that was the location where the issues initially arose. The review team attempted to meet with the inmate and conduct a file review; however, they found that the inmate discharged and is no longer under the jurisdiction of the CDCR.

**Talking to the Court's Expert:**

Dr. Leone's report indicated that inmates 116, 119, 127, 132, and 138 reported they were told Dr. Leone would be visiting the prison and that they were "directed to say positive things about the DD Program and to be positive about the DDP." Inmate 138 reported that he and other inmates were told "if you want no harassment, ease up on us when the visitors come." The review met with inmates 119, 121, 127, 132, 133, 134, and 137, at SATF. Each inmate was asked if he had ever been advised not to talk to about the DD program with anybody or court experts. All but one inmate said "no." Inmate 127 stated my counselor said "make us look good, you know we treat you right." The inmate was specifically asked if the comment was made in a threatening manner and he said "no" my counselor advised me that someone from the courts was coming out to meet with DD inmates and he jokingly made the statement. The inmate added the fact that it was a true statement that the counselors, the DD officers, and the housing unit staff do a lot for the DD inmate population.

**Other Findings:**

The review team identified universal problems at each institution such as documentation. The team found that staff were prompting the DD inmates and taking appropriate action but lacked in the area of documenting their actions. Every staff member the team spoke with were reminded of the importance of documenting as much they possibly can as it may appear the job does not get done if it is not documented. Additionally, the review team found staff stability within the housing units was vital. The management team was advised to ensure they maintain stability to the degree possible.

The team found there were very few issues with the inmates' canteen, packages and property. As mentioned earlier in this report, most issues seemed to be for a specific instance and not ongoing. The review team confirmed that when needed the DD inmates were provided staff escorts for the purpose of canteen and that many of the officers routinely checked on the DD inmates to ensure other inmates were not taking their canteen. A number of inmates indicated they did not have any problems and did not require an escort.

The DD inmates enrolled in the education programs spoke positively about their programs, accommodations, assistance and the support provided to them by staff.

Almost all of the inmates interviewed at LAC, indicated they relied heavily on the DDP officers to assist them in completing documents such as CDCR-602's, CDCR-1824's and various other documents. They also indicated they relied on the DDP officers to provide them prompts, for programs and services. Inmate 74 claimed the librarian was in the process of providing him with assistance regarding his court case. He further claimed he had an understanding of the appeal process but has not had any issues that required he initiate an appeal. He further expressed an interest to remain at LAC since he has been at the institution for a period of two years and his needs are being met. An interview with inmate 65, named in the Leone report spoke highly of the DDP Officers Horn, Rogers and Librarian Stewart. He claims he relies on them on a daily basis to provide him with the assistance he needs. Inmate 90 has severe speech impairment; along with difficulty processing information that is shared during his classification committee. He adds that because of his inability to process information and his speech impairment, he is sometimes embarrassed to ask questions during committee. Therefore, he relies on DDP Officer Horn to explain the information to him. This inmate was asked if he was satisfied with the assistance he received from Officer Horn during committee and he claimed if it were not for DDP Officer Horn along with the other DDP officers providing him with assistance he would have a difficult time understanding complex issues and daily routines.

Dr. Leone's concerns with multiple examples of handwriting in some of the central files were reviewed and it was found that there were multiple handwriting samples in some of the central files and that it was due to correctional officers and GP inmates providing DD inmates assistance when completing documents.

Inmates 8, 9, 16, 20, 21, 23, 24, 25, 27 and 28, at CMF did not have major issues with the DDP. One inmate indicated third watch staff did not provide him with the proper assistance. The review team shared this information with the institution management and requested they follow up on this issue with third watch staff. The review team will also conduct a follow up review on this issue. The team

spoke to staff and emphasized their daily responsibilities with the DD inmate population and requested management address the issue with third watch staff.

At RJD, the review team spoke to inmates 102,104,108,109,110 and 111 and found that there were no major issues with the inmates. The only specific concern was inmate 109, who was single celled requesting to be moved to another yard to be with his friends. Inmate 109 claimed he did not have security concerns that prevented him from moving and being double celled. Staff indicated they felt he would be a security risk if moved and that his single cell housing was appropriate. A review of the central file confirmed staff's position.

#### **V. Conclusion:**

This review concluded that most inmates in the prisons visited were receiving accommodations and support from custody staff consistent with the Clark Remedial Plan (CRP). Most of the inmates that were interviewed had positive remarks with regard to the DDP, specific staff members, and how they were being treated. The review team's visits indicated the issues were not as severe as noted in Dr. Leone's report.

Overall staff found that the vast majority of custody staff at the specific institutions had been trained in the Clark Remedial Plan and the majority was knowledgeable in the DD inmate's daily needs and their requirements as it relates to the DD inmates. The team found that the institutions that had DDP officers ran a better program and there were fewer complaints in those institutions. However, it was also notable that the custody staff depended on the DDP officers to provide almost all the services to the DD inmates; therefore, the review team reminded all staff, including the managers of the units that it is the responsibility of every staff member that interacts with the Clark member inmates to comply with the requirements of the remedial plan.

Dr. Leone provided four recommendations at the end of his report. His first recommendation was that the Department respond to systematic problems as identified in his report. There were only two systematic problems identified. The first one was staff were not diligent in documenting the assistance/prompting they provided the DD population. The CDCRs management team recognizes that with the on-going activities and workload of the staff this request is difficult but necessary; therefore, every institution visited was reminded of the importance of training staff to document their actions. In addition, the review team found that the CRC had established a log that could be standardized for all institutions. This log is being shared Office of Court Compliance to ensure it is complete and appropriate to share with every institution. The second problem identified was with staff that had never worked with the DD population. They appeared not to be as familiar with the DD inmate's needs. The management teams at all of the institutions visited were advised to ensure they reemphasize how important it is

that every staff member be familiar with their responsibility when it comes to dealing with all of the inmate population and their specific needs.

The second recommendation was that the Department provide assurances that when inmates' names are identified there be no retaliation. The Deputy Director conducted management meetings at each institution visited and expressed Dr. Leone's concerns with retaliation and his and the Executive staff's expectations that there is no tolerance for retaliation. The Department's directorship will continue to share this message with staff as they visit designated and non-designate DD institutions. In addition, the Deputy Director addressed this issue with all wardens during a quarterly wardens meeting.

Dr. Leone's third recommendation was that the CDCR, needs to thoroughly review the operation of the DDP program. The Department's management team is committed to continue to communicate the importance of complying with the remedial plan and that a complete oversight of the program is constantly conducted by each Warden.

The last recommendation made by Dr. Leone was that the DPP needs to be evaluated on a regular basis to identify potential problems and ensure that inmates with DD receive the accommodations, protections, and support as envisioned by the CRP. The Department's Office of Court Compliance is in the process of developing a tool that ensures compliance with the Clark Remedial Plan and addresses some of Dr. Leone's concerns.